INTERVIEW SUMMARY

In regards to a PTOL-413B mailed on October 27, 2009 regarding an Interview held on Friday, October 23, 2009 with the following attendees: Examiner Michael Vaughan and Applicant's Representative John A. Garrity Registration No. 60,470. The Applicant's Representative agrees with the substance recited in that PTOL-413B. The Applicant's Representative submits that this Interview Summary is seen to be a complete response to any PTOL-413 or other form related to this Interview.

Further, the Applicant's Representative conducted an additional Interview with the primary Examiner and another Examiner on Tuesday January 19, 2010 at 11am EST. In the Interview it was indicated to the Applicant's Representative that the independent claims were seen to require amendment so as to further define the claims in regards to the conditions of the communications and the operational mode as they would read on Bluetooth communications. The Examiner further directed the Applicant's Representative to amend the claims so as to avoid perceived negative limitations. The Applicant's Representative thanks the Examiners for their comments. The Applicant's Representative submits that this additional Interview Summary is seen to be a complete response to any PTOL-413 or other form related to this additional Interview.

REMARKS

This paper is herewith filed in response to the Examiner's final Office Action mailed on November 4, 2009 for the above-captioned U.S. Patent Application. This office action is a final rejection of claims 1-30 and 34-37 of the application.

More specifically, the Examiner has objected to claims 1-30 and 34-37 asserting that the user's desire is not substantiated by the specification; objected to claims 12 and 30 because of informalities; rejected claims 1-3, 5-15, 17-24, 26-30, 34-35, and 37 under 35 USC 102(b) as anticipated by Smeets (2002/0132605); and rejected claims 4, 6, 16-17, 24, and 36 under 35 USC 103(a) as being unpatentable over Smeets in view of Ben-David (US2002/0132605). The Applicants disagree with the rejection.

Claims 1-3, 5, 9-10, 12-15, 18-19, 21-22, 24, 26-27, 29-30, 34-35, and 37 have been amended. Support for the amendments can be found at least on page 6, lines 5-13, page 7, lines 4 to 16, and page 8, lines 9-29 of the Application. No new matter is added.

Regarding the objection to claims 1-30 and 34-37, although the Applicants do not agree with the objection the Applicants submit that claims 1, 5, 12, 14, and 34-35 have been amended to further prosecution of the Application to an Allowance. Support for the amendments can be found at least on page 7, lines 4 to 16 of the Application.

In regards to the objection to claims 12 and 30 the Applicants note that claims 12 and 30 have been amended to address the objections. Thus, the objection to these claims is seen to be overcome and the objection should be removed.

Regarding the rejection of claim 1 the Examiner cites Smeets as anticipating claim 1. Further, the Examiner states:

> "the first apparatus does not want to be interrupted and whether the required

> service is associated with the stored shared secret [In this limitation the notion a user not wanting to be interrupted does not carry much patentable weight because the desires of the user cannot be measured. For example, a user could put a do-not-disturb message on his buddy list. However, cases can be made for times when he/she would still want to be interrupted (like an emergency) when in that mode. Likewise, a user may still not want to be interrupted by annoying people even if he/she is in an available mode. For purposes of examining the "not wanting interruption" is interpreted as a function in which the apparatus can still authenticate without the user having to do any of the normal pairing/inputs, as in the case when the second apparatus has already been prior recognized by the first apparatus and can merely be automatically reconnected," (page 4 of the Office Action).

The Applicants submit that, although the Applicants do not agree with the rejection, claim 1 has been amended for clarification to more clearly relate to wherein the stored secret is associated with an operational mode of the first apparatus where a user of the first apparatus is not to be interrupted and determining whether the first apparatus is in the operational mode where the user of the first apparatus is not to be interrupted. Thus, the Applicants submit that, in claim 1, the operational mode of the first apparatus is indicative of whether the user is not to be interrupted, and so the "desires of the user" are not measured, as asserted in the rejection.

The Applicants contend that Smeets does not disclose or suggest at least where claim 1 recites in part:

> "wherein the stored secret is associated with an operational mode of the first apparatus where a user of the first apparatus is not to be interrupted and where the stored secret is used for automatic pairing when the first apparatus is in the operational mode"

The Applicants submit that this is seen to be the case for at least the reason that Smeets does not disclose or suggest any operational mode of a device where a user of the device is not to be interrupted.

The Applicants note that Smeets, as cited, discloses:

> "Consequently, an access key code is generated during an initial communications session between the user communications device and one of the service communications devices. The established access key code is subsequently stored in the user communications device and made available to the service communications devices. Therefore, the access code may be used in subsequent communications sessions between the user communications device and any one of the service communications devices. It is an advantage of the invention that only one access key code for the service needs to be stored in the user communications device, thereby saving storage capacity in the user communications device. It is a further advantage of the invention that a fast authentication may be performed in subsequent sessions on the basis of the established access key code," (paragraph [0019]).

According to Smeets an access code generated during an initial communication session may be stored in a user communication device to be used for subsequent communications sessions between the user communications device and any one of other service communications devices. The Applicants submit that, here, Smeets simply discloses that a fast authentication may be performed, apparently, if an access key code is stored in the user communications device. However, the Applicants submit that Smeets does not relate to any operation which discloses or suggests where claim 1 relates to stored secret associated with an operational mode of the first apparatus where a user of the first apparatus is not to be interrupted.

Further, the Applicants note that with regards to Figure 4, cited in the rejection, Smeets discloses:

> "Now referring to FIG. 4, the process of establishing a Bluetooth link between a user communications device and a service communications device according to an embodiment of the invention comprises the step 401 of establishing an initial connection between the devices. If, during a device discovery procedure 402, the other device is recognised, a common link key exists and the authentication procedure 403 may be performed. If the device is unknown, a pairing procedure 404 is performed," (paragraph [0119]).

The Applicants note that, here, it is disclosed in Smeets that during an initial connection if the other device is recognized then a common link exists and the authentication procedure 403 may be performed and if the device is unknown a pairing procedure 404 may be performed. The Applicants submit that, whether or not the other device in Smeets is recognized, Smeets does not

disclose or suggest determining whether the device is in an operational mode in which a user of the device is not to be interrupted. Rather, the Applicants submit that Smeets is merely seen to be identifying whether another device is recognized or not and performing either of these operations depending on whether the device is recognized or not.

If one assumes than an operational mode is inherent in Smeets in which automatic pairing occurs using the stored access key, then Smeets fails to satisfy at least the final clause of claim 1 "or else prompting the user of the first apparatus to enter a shared secret associated with the requested service and initiating the pairing using the user entered shared secret." The rejection on this point appears to assert that "the user is also a user of the first apparatus," (page 5 Office Action). Just as previously the Examiner asserted that the apparatus does not know the desire of the user, in this case the paired second apparatus does not 'know' the user of the first apparatus.

The Applicants contend that, for at least these reasons, Smeets does not disclose or suggest at least where claim 1 recites in part "determining whether the first apparatus is in the operational mode where the user of the first apparatus is not to be interrupted."

Further, the Applicants contend that, for at least these reasons, Smeets does not disclose or suggest at least where claim 1 recites in part:

> "for the case where it is determined that the first apparatus is in the operational mode where the user of the first apparatus is not to be interrupted and the required service is associated with the stored shared secret, then initiating the automatic pairing, with no intervention from the user of the first apparatus, using the stored shared secret"

The Applicants submit that this is seen to be the case for at least the reason that, as stated above, Smeets does not disclose or suggest determining whether the device is in an operational mode in which a user of the device is not to be interrupted.

Additionally, the Applicants submit that Smeets can not be seen to disclose or suggest at least

where claim 1 relates to prompting a user of the device to enter a shared secret associated with a requested service.

The Applicant notes that Smeets discloses that:

> "The processing unit 304 is further connected to a user interface unit 302 which comprises a display 302a and a keypad 302b. The display 302a may be used for displaying subscription information, e.g. the number of trips left on the user's account. The keypad 302b may be used for entering PIN codes, selecting different services, acknowledging payments, etc," (see paragraph [0115]).

However, the Applicant can not find in Smeets where the operations of the display 302a and the keypad 302b can be seen to disclose or suggest at least where claim 1 recites in part "or else prompting the user of the first apparatus to enter a shared secret associated with the requested service and initiating the pairing using the user entered shared secret."

Further, the Applicants note that, in Smeets, the user device verifies whether a received service ID corresponds to a desired service and find an associated passkey. According to Smeeks, if no record exists the session may be terminated or continued without enabling security (see paragraph [0124]). This is an explicit teaching away from the last-recited element of claim 1.

The Applicants can not find in Smeets where it is disclosed or suggested an operation of prompting a user of an apparatus to enter a shared secret, no less an operation of prompting a user in response to determining that an apparatus is not in a particular operational mode.

The Applicants submit that, for at least the reasons stated, Smeets can not be seen to disclose or suggest at least where claim 1 recites in part:

> "wherein the stored secret is associated with an operational mode of the first apparatus where a user of the first apparatus is not to be interrupted and where the stored secret is used for automatic pairing when the first apparatus is in the operational mode;

making the stored shared secret available at a second apparatus;

receiving a signal from the second apparatus to initiate a pairing process with the first apparatus on the radio communications network, where the signal comprises a request to pair with the first apparatus for a required service from the first apparatus;

determining whether the first apparatus is in the operational mode where the user of the first apparatus is not to be interrupted and whether the required service is associated with the stored shared secret; and

for the case where it is determined that the first apparatus is in the operational mode where the user of the first apparatus is not to be interrupted and the required service is associated with the stored shared secret, then initiating the automatic pairing, with no intervention from the user of the first apparatus, using the stored shared secret or else

prompting the user of the first apparatus to enter a shared secret associated with the requested service and initiating the pairing using the user entered shared secret."

In addition, the Applicants submit that the reference Ben-David does not overcome at least the above mentioned shortfalls of Smeets. Thus, for at least this reason, even if the references were combined, which is not agreed to as proper, the proposed combination would still not disclose or suggest claim 1.

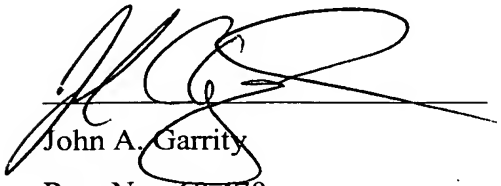
Therefore, the Applicants submit the rejection of claim 1 is improper and the rejection should be removed.

In addition, the Applicants submit that, although the Applicants have not argued against all the rejections in the Office Action, the Applicants do not acquiesce to these rejections.

Further, for at least the reason that independent claims 12, 14, and 34-35 recite features similar to claim 1, as stated above, the references cited can not be seen to disclose or suggest these claims. Therefore, the rejection of claims 12, 14, and 34-35 should be removed.

The Examiner is respectfully requested allow all of the pending claims 1-30 and 34-37 as now presented for examination. An early notification of the allowability of claims 1-30 and 34-37 is earnestly solicited.

Respectfully submitted:



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1/29/2010
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